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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Art Unit: 1647
)	
NIELSEN, et al.)	Examiner: DEBERRY, REGINA
)	
Serial No.: 09/845,717)	Washington, D.C.
)	
Filed: May 2, 2001)	July 27, 2004
)	
For: METHODS FOR TREATMENT)	Docket No.: NIELSEN=3B
OF DISEASES ASSOCIATED)	
WITH INFLAMMATION...)	Confirmation No.: 3818

REQUEST TO VACATE ERRONEOUSLY
IDENTIFIED OFFICE ACTION

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

S i r :

It appears that the office action mailed July 21, 2004 was intended for Serial NO. 09/835,716, not the above-identified office action. Hence, it should be vacated, revised to refer to 09/845,716, and remailed.

In support of our position that it is misidentified, note the following:

(1) The restriction refers to an April 26 Petition to Vacate. No petition to vacate was filed in '717. However, one was filed April 26 in '716.

(2) The restriction refers to claim 17, but no higher numbered claim. The last numbered claim in '717 is 24. In the '716 case, the last numbered claim is 17.

(3) The restriction refers to composition claim 11. In

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'717, the composition claim is 12, but in '716, it is 11.

Respectfully submitted,

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